

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ALYSSON MILLS, IN HER CAPACITY
AS RECEIVER FOR ARTHUR LAMAR
ADAMS AND MADISON TIMBER
PROPERTIES, LLC,**

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:19-cv-196-CWR-FKB

**BANKPLUS; BANKPLUS WEALTH
MANAGEMENT, LLC; GEE GEE
PATRIDGE, VICE PRESIDENT AND CHIEF
OPERATING OFFICER OF BANKPLUS;
STEWART PATRIDGE; JASON COWGILL;
MARTIN MURPHREE; MUTUAL OF
OMAHA INSURANCE COMPANY; and
MUTUAL OF OMAHA INVESTOR
SERVICES, INC.**

DEFENDANTS

**MUTUAL OF OMAHA INSURANCE COMPANY’S
MOTION TO DISMISS, OR, IN THE ALTERNATIVE, FOR PARTIAL DISMISSAL**

Mutual of Omaha Insurance Company (“Mutual”) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, while reserving any and all other affirmative defenses, including the right to compel arbitration, hereby moves to dismiss the Complaint against it for the reasons set forth in its separate memorandum brief in support of this motion, or alternatively, to dismiss some of the claims against it.

WHEREFORE, PREMISES CONSIDERED, Mutual of Omaha Insurance Company hereby moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the Complaint and all claims asserted therein against it, or, in the alternative, partial dismissal.

This, the 3rd day of June, 2019.

Respectfully submitted,

MUTUAL OF OMAHA INSURANCE COMPANY

By: s/Kelly D. Simpkins
Kelly D. Simpkins (MSB #9028)
Their Attorney

OF COUNSEL:

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